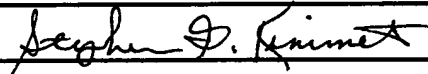
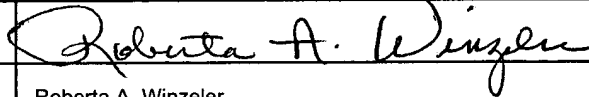


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PTO TRANSMITTAL FORM AUG 09 2006 (to be used for correspondence after initial filing)	Application Number	10/781,395	
	Filing Date	February 18, 2004	
	First Named Inventor	John H. Gillen	
	Art Unit	3634	
	Examiner Name	Jerry E. Redman	
Total Number of Pages in This Submission	6	Attorney Docket Number	1-15972

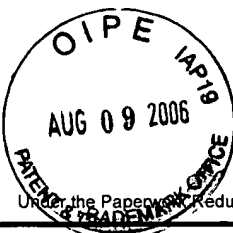
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks Petition Fee Transmittal PTO/SB/17p including a check in the amount of \$400 and Petition to the Director under 37 CFR 1.181	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MARSHALL & MELHORN, LLC		
Signature			
Printed name	Stephen G. Kimmet		
Date	8-7-06	Reg. No.	52,488

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Roberta A. Winzeler	Date	8-7-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/781,395
Filing Date	February 18, 2004
First Named Inventor	John H. Gillen
Art Unit	3634
Examiner Name	Jerry E. Redman
Attorney Docket Number	1-15972

Enclosed is a petition filed under 37 CFR 1.181 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 13-1816:
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 400.00 is enclosed.

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Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- ☒ § 1.182 - for decision on a question not specifically provided for. 1.181
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

Stephen G. Kimmet
Typed or printed name

08/10/2006 YPOLITE1 00000017 10701395

01 FC: 1867-06
Date

400.00 OP

52,488
Registration No., if applicable

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on August 7, 2006

Roberta A. Winzeler

(Name)

Roberta A. Winzeler

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
John H. Gillen)	Group Art Unit: 3634
)	
Serial No.: 10/781,395)	Examiner: Jerry E. Redman
)	
Filing Date: February 18, 2004)	Attorney Docket: 1-15972
)	
For: POWER SLIDER DRIVE)	
INTERFACE)	

August 7, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO THE DIRECTOR UNDER 37 CFR 1.181

Honorable Sir:

Applicant petitions the Director to reverse the action of the Examiner in withdrawing claims 1-11 from consideration. Claims 1-11 were withdrawn by the Examiner in the June 9, 2006 Office Action. Petition fee under 37 CFR 1.17(f) is attached hereto.

Initially, the Examiner issued a Restriction/Election requirement on March 6, 2006 which required applicant to elect between species-Groups I, II, or III.

Appl. No.10/781,395
Reply Dated August 7, 2006
Reply to Office action of June 9, 2006

In response to the Restriction/Election requirement, applicant provisionally elected, with traverse, species-Group I (Figs. 1, 2A, 3, 4) and asserted that all claims were drawn to species-Group I.

Subsequently, in the first Office Action on the merits of June 9, 2006, the Examiner withdrew claims 1-11 that applicant asserted were directed to species-Group I (Figs. 1, 2A, 3, 4). This left only claims 12-13 for consideration, which the Examiner rejected. It should be noted that claims 12-13 are merely directed to the "slider panel."

Applicant counsel telephoned the Examiner on June 21, 2006 to find out why claims 1-11 had been withdrawn. In the June 21, 2006 telephone interview and a follow-up July 12, 2006 telephone interview, the Examiner stated that he had measured in Fig. 2A a difference in the width between the driver 22 and the receiver 34 of approximately 1/16". From this the Examiner concluded that the driver 22 and receiver 34 could not be brought into contact with one another, as independent claim 1 requires.

It is applicant's position that 1/16" would be enough space to allow for bringing the driver 22 into contact with the receiver 34. Furthermore, applicant asserts that patent drawings are not intended to define precise proportions of the elements of the invention and that the specification must be utilized in conjunction with the drawings, as the courts have decided in *In re Chitayat*, 161 USPQ 224 (CCPA 1969) and *Hockerson-Halberstadt Inc. v. Avia Group International Inc.*, 55 USPQ2d 1487 (CAFC 2000).

Applicant cites, for example, the following locations in the specification that support claims 1-11 being illustrated in Figs. 1, 2A, 3, and 4.

At page 5, lines 10-12 it states that the movement of the slider panel 46 is smooth, at page 6, lines 6-10 it states that the surfaces 24,26,36,38 are not rigidly attached, at page 6, lines 15-19 it states that the present invention allows for substantial misalignment, at page 7, line 5-10 it states that the contact surfaces are brought into non-attached pushing or pulling mechanical contact, and at page 7, lines 12-17 it states that first and second drive bumpers 42, 44 are disposed on the receiver contact surfaces 36,38, so as to cushion the mechanical impact forces that would be applied to the receiver contact surfaces 36, 38 by the mechanical contact from the driver contact surfaces 24, 26.

There is no mention in the disclosure of a "friction fit" or "tolerances" as the Examiner further asserted in the telephone interviews.

Thus, applicant respectfully asserts that the patent drawings do properly illustrate that the driver 22 and the receiver 34 can be brought into contact with one another (as independent claim 1 requires), that the drawings are not intended to define precise proportions of the elements of the invention, that the specification must be utilized in conjunction with the drawings, and that all claims 1-13 read on species-Group I (Figs. 1, 2A, 3, 4).

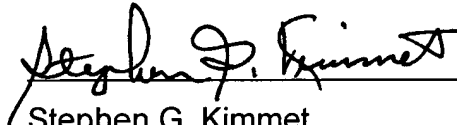
Appl. No.10/781,395
Reply Dated August 7, 2006
Reply to Office action of June 9, 2006

Conclusion

For all the reasons described in the preceding paragraphs, applicant respectfully submits that claims 1-11 should not have been withdrawn from consideration.

Accordingly, a timely action to that end is courteously solicited.

Respectfully submitted,



Stephen G. Kimmet
Registration No. 52,488

ATTORNEYS/AGENT
Marshall & Melhorn, LLC
Four SeaGate – 8th Floor
Toledo, Ohio 43604
Phone: (419) 249-7132
Fax: (419) 249-7151